

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WALTER HALLIE WEBB)
)
v.) NO. 3-12-1077
) JUDGE CAMPBELL
TERRY ASHE, et al.)

ORDER

Pending before the Court is a Report and Recommendation of the Magistrate Judge (Docket No. 64), to which no Objections have been filed. The Court has reviewed the Report and Recommendation and the file. The Report and Recommendation is adopted and approved in part and rejected in part.

The Motion to Dismiss of Defendants Tennessee Corrections Institute and Ferguson (Docket No. 38) is GRANTED, and all claims against those Defendants are DISMISSED.

The Motion for Summary Judgment of Defendant City of Lebanon (Docket No. 40) is DENIED for failure to file a Memorandum of Law in accordance with Local Rule 7.01(a). The Motion for Summary Judgment cannot be converted into a Motion to Dismiss, because it relies, on its face, on facts outside the pleadings.

The Motion to Dismiss of Defendants Hopper and Smith County (Docket No. 46) is GRANTED, and all claims against Defendants Hopper and Smith County are DISMISSED.


The Motion to Dismiss of Defendants Ashe, Bryan, Gray, Whitefield, Shoemate, Roland, Wilson County, Goodall, Neal, Seay and Wilson County Health Department (Docket No. 62), which seeks dismissal of all claims against Defendants Ashe, Bryan, Gray, Shoemate, Roland, Wilson

County, Goodall, and Wilson County Health Department and dismissal of certain claims against Defendants Whitefield and Seay, is GRANTED, and those claims are DISMISSED.

Plaintiff's claims against Defendant 15th Judicial District are DISMISSED as frivolous. Any claims against any Defendant arising from alleged conduct which occurred prior to October 14, 2011, are DISMISSED as barred by the applicable statute of limitations. All claims against any Defendant for violation of the Tennessee Constitution are DISMISSED with prejudice.

The remaining claims against Defendants Whitefield, Seay, Mathews, Southern Health Partners and the City of Lebanon are set for trial by contemporaneous Order.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE